

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 2/7/2013

Case Number 2:10-md-02187

Case Style: In Re: C. R. Bard, Inc. vs.

Type of hearing Status Conference

Before the honorable: 2513-Goodwin

Court Reporter Teresa Harvey

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Henry Garrard, Fred Thompson, Bryan Aylstock, Carl Frankovitch

Attorney(s) for the Defendant(s) Barbara Binis; Stephen McConnell; Deb Moeller; Richard North and Lori Cohen

Law Clerk Kate Fife

Probation Officer

Trial Time

Non-Trial Time

Pretrial conference (including settlement and telephone conferences).

Court Time

1:05 pm to 2:25 pm

Total Court Time: 1 Hours 20 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled start time 1:00 p.m.

Actual start time 1:05 p.m.

STATUS CONFERENCE

Judge Goodwin, Magistrate Judge Stanley and Magistrate Judge Eifert presiding

2:10-md-2187 In Re: C. R. Bard, Inc., Pelvic Repair Systems Products Liability Litigation

2:12-md-2325 In Re: American Medical Systems, Inc., Pelvic Repair System Product Liability Litigation

2:12-md-2326 In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation

2:12-md-2327 In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation

Counsel for parties present

Coordinating Co-lead counsel for Plaintiffs - Bryan Aylstock, Henry Garrard, Fred Thompson

Co-lead counsel for Boston Scientific MDL 2326 - Clayton Clark and Aimee Wagstaff

Co-lead counsel for American Medical Systems MDL 2325 - Amy Eskin and Fidelma Fitzpatrick

Co-lead counsel for Ethicon MDL 2327 - Renee Baggatt and Tom Cartmell

Plaintiffs executive committee: Bryan Aylstock, Henry Garrard, Fred Thompson, Tom Cartmell, Clayton Clark, Amy Eskin, Derek Potts and Aimee Wagstaff.

Plaintiffs Co-liaison counsel: Harry Bell, Paul Farrell and Carl Frankovitch

Defendants

Lead counsel for C. R. Bard, Inc., MDL 2187 - Deb Moeller and Richard North

Lead counsel for American Medical Systems MDL 2325 - Barbara Binis

Lead counsel for Boston Scientific MDL 2326 - Jon Strongman

Defendants Liaison counsel: Michael Bonasso, David Thomas and Michael Farrell.

Additional counsel present

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Paul Cosgrove, Proxy
Donna Brown Jacobs, Counsel for Ethicon/J&J
Ron Kreps - Coloplast
Jacqueline Hayes - Defts counsel
Victoria Manifas - Pltfs counsel
S. Deann Bomar - Defts counsel
Sara Coopwood - Boston
Erik W. Legg, Defts counsel
Tracy Weiss, AMS
Ben Anderson, Defts counsel
Bryan Pratt, Counsel for Boston Scientific Corp
Melissa Foster Bird, Counsel for Bard/Sofradim
Elizabeth Taylor, Boston Scientific
Jim Mellowin - Pltfs counsel
Leigh O'Dell - PSC
Regina Johnson, Pltfs
Mike Farrell, AMS
Tom Cartmell, Pltfs
Andrew Cross, Pltfs
Bret Stanley, Pltfs
Jennifer Hageman - Proxy
Janet Kwuon - AMS
David Kuttles - Pltfs

Agenda Items

General MDL Issues
Ideas for expediting case movement
Henry Garrard presents ideas for expediting the cases
The court requests that lead counsel for Pltfs and Defts discuss additional ideas to expedite the cases
Report on state court dockets including hybrid cases with non MDL defendants
Clayton Clark provides a summary of cases
Discussion of multiple product restriction
Pltf Fact Sheets in AMS, BSC and Ethicon
Timeframe established.

Agenda Issues for MDL 2327 (Ethicon, Inc.)

New Jersey trial update by Ethicon
Donna Jacobs provides an update
Bryan Aylstock provides an update

Agenda Issues for MDL 2326 (Boston Scientific Corp)

Proxy Biomedical discovery update
Paul Cosgrove provides an update
Aimee Wagstaff provides an update

Agenda Issues for MDL 2187 (C. R. Bard, Inc.)

General & MDL Specific MDL Issues - Judge Stanley and Judge Eifert
Presentation of deposition protocols for AMS, BSC and Ethicon (AMS and BSC are agreed upon)- Henry Garrard and Bryan Aylstock

Using documents marked confidential at time of production when necessary in relation to motions or responses to motions.

Henry Garrard requests additional assistance from the court.
Judge Stanley provides guidance.
Document preservation issues
Bryan Aylstock provides an update.
Donna Jacobs provides an update.
Treating and implanting physician scheduling and order of examination issues

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Barbara Binis suggests that this item be tabled until further discussions can take place. No objection

Agenda Issues for MDL 2325 (American Medical Systems, Inc.)

Outside US production/compliance with PTO 24

AMS' deadline is discussed

Janet Kwuon provides an update.

Amy Eskin provides an update.

Document production in relation to deposition scheduled/custodial production

Barbara Binis provides an update on various requests from pltfs

Fidelma Fitzpatrick provides additional information

Document redaction issues - Agreement has been reached

Scope of document searches

Update on progress is provided by Fidelma Fitzpatrick

Production of production exemplars

Parties believe this will be resolved.

Status of Privilege Logs

Agreement has been reached.

Agenda Issues for MDL 2327 (Ethicon, Inc.)

Foreign document production

Donna Jacobs provides an update

Trial pool discovery agreement

Bryan Aylstock provides an update

Status of search term modification request

Bryan Aylstock believes this can be worked out by the parties

Deposition scheduling

Bryan Aylstock states that this issue will be worked out by the parties

Next Status Conference - March 21, 2013 @ 10:00 a.m.

End time 2:25 p.m.